

1

1 UNITED STATES DISTRICT COURT FILED 03 MAY 24 16:19 USDC ORP
2 FOR THE DISTRICT OF OREGON
3 MEDFORD DIVISION

4
5 David White, Pro Se
6 18965 NW Tillamook St
7 Portland, OR 97229
8 dave@salmonprotectiondevice.com
9 503-608-7611
10 v.

Case 3:24-cv-755-JR
11
12 COMPLAINT FOR
13 DECLARATORY
14 JUDGEMENT,
15 INJUNCTIVE RELIEF,
16 AND DAMAGES

17 Defendant 1.
18 Dave Coffman, as geoscientist
19 Resource Environmental Solutions,
20 Corporate Headquarters – Houston
21 6575 West Loop South, Suite 300
22 Bellaire, TX 77401
23 713.520.5400 x6134

24 Defendant 2.
25 Mark Bransom in his capacity as Chief Executive Officer of
26 Klamath River Dam Renewal Corp.
27 info@klamathrenewal.org

28 Defendant 3
29 Klamath River Renewal Corporation
30 2001 Addison Street, Suite 317
31 Berkeley, CA 94704
32 Phone: 510-560-5079

33 **TABLE OF AUTHORITIES**

34 Artl.S8.C3.7.1., Dormant Commerce Clause
35 18 U.S. Code § 3 - Accessory after the fact, - Whoever, knowing that an
36 offense against the United States has been committed, receives, relieves,
37 comforts or assists the offender in order to hinder or prevent his
38

2

1 apprehension, trial or punishment, is an accessory after the fact.
2
3 16 USCA § 1532(19); see also Goble, D. D.; George, S. M.; Mazaika, K.;
4
5 Scott, J. M. & Karl, J. (1999) "Local and national protection of endangered
6 species: An assessment", Environmental Science & Policy, 2, pp. 43-59.
7
8 Note that legislation often uses the word "take" which is then defined
9 similarly to this definition
10
11

12
13 **INTRODUCTION**
14
15

16 Cause of Action.

17
18 ArtI.S8.C3.7.1 Overview of Dormant Commerce Clause

19 1. The Dormant Commerce Clause involves not federal power to act,
20
21 but the restrictions on state power that are inherent in the
22
23 Commerce Clause. There is no actual "Dormant Commerce
24
25 Clause" found in the Constitution. Rather, the restrictions on state
26
27 action have been inferred by the Supreme Court from the
28
29 Commerce Clause.

30
31 2. In Gibbons v. Ogden, 9 Wheat. 1 (1824), the issue involved a state-
32
33 granted monopoly that conflicted with a federal licensing law for the
34

3

1 operation of steamboats. Ogden's New York monopoly, according to
2
3 the Court would render the federal law impotent in New York, and
4
5 therefore the Supremacy Clause required the Court to enforce the
6
7 federal law.

8
9 3. Article 11 of the US constitution provides that the federal
10
11 government and states can't have tort (Complaint) actions filed
12
13 against them. This does not apply to this tort action because the
14
15 defendants are individuals or businesses.

16
17 This Act may be cited as the ``Uniting and Strengthening America by
18
19 Providing Appropriate Tools Required to Intercept and Obstruct Terrorism
20
21 (USA PATRIOT ACT) Act of 2001".

22
23 Plaintiff went to Klamath Falls Oregon and had a table at the only
24
25 supermarket for three days and handed out 500 documents which show we
26
27 need to dredge behind the dams to get the fish ladders working again.
28
29 Everyone agreed with it and only 1 person objected to it. Therefore 500 to 1
30
31 oppose removing the dams. This will be an exhibit in trial.

32
33
34 **COMPLAINT**
35

1 Defendants have proceeded with the wholesale destruction of public and
2 private property, justifying it in the name of pseudo-science and with little
3 regard to life and health of human and natural wildlife.
4
5

6
7 Defendants have failed to proceed in compliance with approved scientific
8 method. They have failed to perform preliminary research by obtaining
9 testimony from local residents and well-informed government employees
10 (stake holders). Testimony obtained independently from local residents
11 reveals virtually unanimous opposition to removal of the dams. The Corps
12 of Engineers opposes removal of the dams. Dam operators throughout the
13 state oppose removal of the dams and the slipshod, amateurish methods
14 taken to reduce turbidity that have destroyed fish and other wildlife.
15
16

17 Defendants have proceeded with these reckless actions showing no
18 concern for loss of critically needed hydro-electric power for Oregon and
19 California, inevitable destruction of downstream property due to sediment,
20 flooding, mitigation of potential arsenic poisoning, and unrestrained loss of
21 fish and animal life.
22
23

24 Defendant Dave Coffman is an Accessory After the Fact (18 U.S. Code § 3
25 - Accessory after the fact) as revealed in the article below. "It was always
26 expected that these species would not persist," said Dave Coffman,
27
28 geoscientist for Resource Environmental Solutions, or RES, during the
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1 press conference.
2

3 These and other complaints are articulated in this OPB Article. Comments
4 related to the following OPB article summarize and detail the urgent
5
6 need for injunctive relief.
7

8 This article was distributed to 500 visitors at plaintiff's display/table in front
9 of the Klamath Falls Grocery in February. Only one of 500 respondents
10 expressed approval of removing the dams. Conversations with operators
11 of dams throughout Oregon reveal that they are unanimously against
12 removal and in favor of silt dredging behind the dams as a far less
13 draconian and more scientific solution. The Corps of engineers also
14 opposes removal of the dams.
15

16 Our comments to correct errors and misrepresentations in this article
17 appear in **bold face type**. Let's take a closer look at the OPB article one
18 paragraph at a time.
19

20 **Executive Summary**
21

22 The Western Oregon Dams are critically needed for clean power and flood
23 control. The issue with the fish ladders is the sediment buildup behind the
24 dams. It will cost roughly \$30 million to dredge behind the dams for each
25 dam to get the fish ladders working again.
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1 **A crew of out-of-state pseudo-scientists is now busily making final**
2 **preparations for removal of the last of 4 dams on the Klamath River,**
3 **the Iron Gate dam. That's according to a January 5, 2024 article in**
4 **OPB First Look newsletter. With dam removal only weeks away it**
5 **appears that only a last-minute legal injunction can save this vital**
6 **power resource.**

7
8 **The Iron Gate Dam is of vital importance because it is the only one of**
9 **the 4 with power generating capabilities. In total they produce over**
10 **600 gigawatts of power per year.**

11
12 **Already the Northwest Power grid is projected to crash this year due**
13 **to the added burden of electric vehicles. What EV owners were not**
14 **informed about is the recharging load. Power outages and brownouts**
15 **are inevitable because of too many EVs and lower power generation.**

16
17 **Starting next year, by recent analysis, The Northwest power grid will**
18 **be short by 927 Megawatts and growing. In ten years the grid will be**
19 **short 8150 Megawatts, according to data provided by 2023 PNUCC**
20 **Northwest Regional Forecast.**

21
22 **Also, anything that is done to reduce emissions of carbon dioxide**
23 **takes 150 years to have an effect due to the phenomenon of residence**
24 **time. Believe it or not, It takes that long for existing Carbon Dioxide**
25

1 to dissipate, so Electric Vehicles have zero effect on any imagined ill-
2 effects of current CO2 levels.

3
4
5 https://cctruth.org/residence_time.pdf

6
7 But guess what does reduce atmospheric CO2? It's called
8
9 photosynthesis and thanks to massive reforestation efforts in China,
10 India and Pakistan, it's already solved the problem in the Northern
11 hemisphere. Only fraudulent measurement techniques at NOAH have
12 concealed this, but we at the official IPCC watchdog team have
13 recently forced the firing of the fraud perpetrators.

14
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16
17
18 https://www.google.com/search?q=ev+kilowatt+use+per+day&oq=ev+kilowatt+us+per+day&gs_lcp=EgZjaHJvbWUyBggAEEUYOTIHCAEQIRigATIHCAIQIRigATIHCAQIRigATIKCAQQIRgWGB0YHjIKCAUQIRgWGB0YHjIKCAYQIRgWGB0YHjIKCAcQIRgWGB0YHjIKCAQIRgWGB0YHjIKCAkQIRgWGB0YHtIBCjE5NTUyajBqMTW0AgCwAgA&sourceid=chrome&ie=UTF-8

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21
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24
25 One EV consumes an average 353 kilowatts of power per month, 4.3 Megawatts
26 per year. We currently have about 150,000 EV's in Washington and 70,000 in
27 Oregon. It's very easy to see we must discourage the purchase of EV's as soon
28 as possible. In light of our looming power crisis removal of this vital source of
29 clean, renewable energy can only aggravate the problem. Removal of the Iron
30 Gate dam is insanity.

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38 The table below, along with other critical information, was presented by a grid
39 expert at an October 18, 2023 Cascade Policy Institute Conference. Note that for
40 this Winter, 2024-2025 the Northwest electric grid is projected to fall 927
41
42
43

1 megawatts short of demand. It is projected to be almost nine as bad in 10 years.
 2 The grid expert said they are talking about activating virtual generators at homes
 3 to help make up the difference when needed. For example, a virtual generator is
 4 equipped to switch the smart meter on a home which is charging an electrical
 5 vehicle at night and drain the Ev battery charge back into the grid.
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Northwest Region Requirements and Resources

Table 1. Northwest Region Requirements and Resources – Annual Energy shows the sum of the individual utilities' requirements and firm resources for each of the next 10 years. Expected firm load and exports make up the total firm regional requirements.

Average Megawatts	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Firm Requirements										
Load ¹	21,814	22,791	23,694	24,558	25,545	26,225	26,485	26,681	26,841	27,006
Exports	520	502	502	501	501	501	501	501	501	501
Total	22,334	23,293	24,195	25,060	26,046	26,726	26,986	27,182	27,342	27,507
Firm Resources										
Hydro ²	11,459	11,439	11,424	11,462	11,424	11,402	11,200	11,200	11,161	11,005
Small Thermal/Misc.	28	28	28	28	28	18	11	11	11	11
Natural Gas ³	4,107	4,497	4,801	4,551	4,546	4,544	4,474	4,426	4,225	4,222
Renewables-Other	276	275	273	274	269	268	268	266	264	260
Solar	503	503	503	502	502	501	501	500	498	483
Wind	1,757	1,747	1,747	1,721	1,661	1,623	1,611	1,596	1,596	1,622
Cogeneration	41	41	34	32	31	31	31	31	31	31
Imports	488	488	467	467	453	380	324	310	310	222
Nuclear	1,116	994	1,116	994	1,116	994	1,116	994	1,116	994
Coal	2,583	2,358	1,593	1,065	1,068	891	593	479	497	508
Total	22,357	22,366	21,985	21,096	21,097	20,652	20,127	19,810	19,708	19,357
Surplus (Deficit)	22	(827)	(2,210)	(3,963)	(4,949)	(6,074)	(6,850)	(7,372)	(7,634)	(8,150)

¹ Load net of energy efficiency

² Firm hydro for energy is the generation expected assuming critical (8%) water condition (the methodology is changed for the 2023 report)

³ More energy may be available from natural gas power plants

11
 12 The out-of-state groups featured in the article include "The crew from
 13

1 the restoration company Resource Environmental Solutions, or RES, and
2
3 Northern California's Karuk Tribe." **The Klamath River Renewal**
4
5 **Corporation is likewise California based.**

6
7 **In this OPB Article we find proof of Defendants criminal culpability.**

8
9 [https://www.opb.org/article/2024/02/18/klamath-reservoir-drawdown-](https://www.opb.org/article/2024/02/18/klamath-reservoir-drawdown-water-quality-discussion/)
10 [water-quality-discussion/](https://www.opb.org/article/2024/02/18/klamath-reservoir-drawdown-water-quality-discussion/)

11
12 **Thousands of fish that inhabited the reservoirs have also been killed**
13
14 **by the ineptitude of these pseudo-scientists. They've accomplished**
15
16 **this by reservoir drawdowns and/or clumsy removal techniques.**

17
18 **These are mostly non-native species, including yellow perch, crappie,**
19
20 **and bass that thrive in calmer, warmer water.**

21
22 "It was always expected that these species would not persist," said Dave
23
24 Coffman, geoscientist for Resource Environmental Solutions, or RES,
25
26 during the press conference.

27
28 **OPB is cheering them on, apparently oblivious to the deep-seated**
29
30 **concerns of dam custodial technicians and local residents. With**
31
32 **electricity brown-outs soon to be a regular occurrence, removal of**
33
34 **this vital source of clean energy is to be charitable -- irrational. Not to**
35
36 **mention the devastating impact on the very environment the alleged**
37
38 **do-gooders are professing to save.**

1 **RES is California-based with virtually no understanding of the vital**
2 **role the dams play in the human and natural ecosystem of Oregon.**
3
4 **Not to mention the sale of Oregon power to electricity-starved**
5
6 **California. They are the proverbial bull in a China shop.**
7
8 **They correctly identify a hundred years of silt-buildup behind the**
9
10 **dams as the problem. But then they jump to the absurd conclusion**
11
12 **that dam removal is the only viable solution. Why not remove the silt**
13
14 **instead of the dam? Duh. A simple remedy like dredging behind the**
15
16 **dam to fix the fish ladder on the Iron Gate eludes the pseudo-**
17
18 **scientific mind. Apparently not enough drama to satisfy the woke**
19
20 **craving to wipe out all evidence of human stewardship of our natural**
21
22 **resources. One thorough dredging operation would resolve the**
23
24 **problem for at least the next 50 years.**

25
26 **This is the only factual statement we could find in the article: "As that**
27
28 **[algae] makes its way downstream, it decomposes," says Desiree Tullos,**
29
30 **professor of water resources engineering at Oregon State University. "That**
31
32 **process sucks oxygen out of the water."**

33
34 **"In the coming weeks, water will be let out from behind the three remaining**
35
36 **dams on the Klamath River. A century's worth of sediment that has piled up**
37
38 **behind the dams will also flow downriver."**

1 **This is true. According to the article, 17-20 thousand tons of silt has**
2 **built up behind the dams. Most of this will flow downstream and settle**
3 **out at river bends where the water slows; it won't make it to the**
4 **ocean. This will alter the river flow with catastrophic results for local**
5 **residents. Many homes, farms, and businesses will be devastated.**
6
7 **Plus, flooding not seen since the early 1900s will be an annual event.**
8
9 **The massive release of silt will kill most fish and ruin downstream**
10 **estuaries.**

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16
17 “The crew from the restoration company Resource Environmental
18 Solutions, or RES, and Northern California’s Karuk Tribe are spending two
19 weeks catching as many young Coho salmon as they can and relocating
20 them to specially constructed ponds next to creeks. By doing so, they hope
21
22 to protect the Endangered Species Act-listed fish from the deluge of
23 sediment that will be released when water from three Klamath River
24 reservoirs is released this month — a major step toward the removal of
25
26 three major dams.”

27
28
29
30
31
32
33 **What they don't tell you is that fish at the bottom of the nets are being**
34 **crushed by the weight of the other fish when the net is lifted out of the**
35 **water. That's not counting the fish that die during the water draw-**
36 **downs. They have a permit to move fish, but no license to kill them in**
37
38
39
40

12

1 such quantities. Their permit lists probable fish kills by type but has
2
3 no exempt request of civil or criminal penalties.

4
5 **This is Lower Klamath Project FERC Project No. 14803**

6
7 [https://klamathrenewal.org/wp-content/uploads/2021/12/EX-A-ARMP-](https://klamathrenewal.org/wp-content/uploads/2021/12/EX-A-ARMP-Dec2021.pdf)
8 Dec2021.pdf

9
10 **In their recent OPB press conference, they admitted killing thousands**
11
12 **of fish.**

13
14 “If these young Coho survive the initial disruption to the river, they could
15
16 help make history. “These young fish could be some of the first adult Coho
17
18 salmon to return to a free-flowing Klamath River in over a century,” says
19
20 Chase. “It’s even possible some of the fish moved during this effort could
21
22 return to spawn above the Iron Gate Dam location.”

23
24 **The only thing making history here is the mental derangement of the**
25
26 **extremists who are engineering this absurdity. Anytime you see the**
27
28 **word “if” watch out. “If” means they don’t have enough knowledge to**
29
30 **say for certain. The items you’re reading in bold are for certain.**

31
32 “Scientists, fishermen and environmentalists agree that removing the four
33
34 dams of the Lower Klamath Project will benefit anadromous fish like
35
36 salmon, steelhead and lamprey. But the process will have “unavoidable
37
38 negative short-term impacts on aquatic species that we all want to protect,”
39
40 says Dave Meurer, director of community affairs for RES. “You will see

1 2 dead fish on the banks."

3 4 **On what do Scientists, fishermen and environmentalists agree?**

5 6 **Virtually every scientist we've talked to is quick to endorse the**
7 8 **dredging option as soon as it's pointed out to them.**

9 10 **They're thrilled when they learn about the solutions being considered**
11 12 **at SalmonProtectionDevice.com. Likewise, It's only the radical**
13 14 **environmentalists who drink the Kool-Aid of their own propaganda**
15 16 **who disagree, but even they are sometimes compelled to admit the**
17 18 **obvious.**

19 20 **For example:** "Dave Meurer, director of community affairs for RES. "You
21 22 will see dead fish on the banks."

23 24 "The four dams were built between 1903 and 1962. The smallest, Copco 2,
25 26 was completely removed this October." **The other two were removed in**
27 28 **early 2024.**

29 30 "There's about 17 to 20 million cubic yards of sediment built up behind the
31 32 three remaining dams," says Ren Brownell, spokesperson for the Klamath
33 34 River Renewal Corporation, the entity charged with dam removal. "Through
35 36 the drawdown process, we expect five to seven million cubic yards of
37 38 sediment to go downstream."

39 40 **If 17 to 20 million cubic yards of sediment have built up behind the**

three remaining dams, then 17 to 20 million cubic yards of sediment will be washed downstream to be deposited at river bends or any other low-flow area. This may easily alter the river direction wreaking havoc on existing farms and homes, all exacerbated by the annual flooding that is no longer controlled by the dams.

“KRRC has decided to rip the Band-Aid off and drain all three reservoirs near simultaneously — first Iron Gate, then J.C. Boyle about a week later, then finally, Copco Lake. This slightly staggered approach ensures more of the sediment will slough into the flowing river rather than being stranded along the disappearing lake shores. Crews with RES will help wash the sediment downriver as reservoir levels drop.”

This statement is utter nonsense. All of the sediment will slough into the flowing river and deposit anywhere the water speed slows down.

“Crews with RES will help wash the sediment downriver as reservoir levels drop” This will cause more buildup behind the last remaining Iron Gate Dam and more released when it is destroyed.

Where are the local stakeholders? Why are their voices being ignored?

“I do worry about the sediment coming down from JC Boyle,” says Linda Ebert, who lives on the north shore of Copco Lake. “We’ve been assured

1 more or less that the EPA reports on it that it's not that toxic. But I don't
2
3 have a whole lot of faith in those reports, quite frankly."

4
5 Other residents are concerned about dust that will form once the muddy
6
7 footprints of the reservoirs dry out and before new vegetation takes root.

8
9 Resident Francis Gill sees parallels with Condit Dam, which was removed
10
11 from the White Salmon River in Washington state in 2011.

12
13 "For the first year or two, I guess, the dust was kind of a big issue up there,
14
15 until the grasses and everything kind of filled in," says Gill. "So, if it's toxic,
16
17 you can see how the wind can blow around here in the afternoons. It
18
19 comes from down river and blows up canyon."

20
21 **These are the very valid concerns of local residents, who are typically**
22
23 **more likely to grasp common-sense solutions than out-of-state, self-**
24
25 **appointed "experts."**

26
27 Each dam removal adds to the body of knowledge around how rivers
28
29 recover from these barriers. But it's also important not to make
30
31 assumptions about one dam removal based on another, says Tullos. For
32
33 instance, the removal of two dams on the Elwha River, also in Washington,
34
35 didn't have a big impact on water quality.

36
37 "There was a lot of sediment, but it was coarse — like gravel and sand,"
38
39 says Tullos. The distance of the dam from the river mouth, the nature of the

1 built-up sediment, how quickly the dam is breached — all of these play a
2 role in where and how quickly the material moves downriver.
3

4 As the reservoirs are drawn down, all of the water and sediment will gush
5 through a 14-foot wide tunnel at the base of Iron Gate dam. The release
6 will be relatively controlled compared to Condit Dam, which was breached
7 with a dramatic blast. Even so, the first pulse will turn the river into
8 “chocolate milk,” says Tullos. Most of the finer silt and clay will likely stay
9 suspended in the river all the way out to the ocean but coarser material will
10 fall out in the stretch of river below Iron Gate. That’s a good thing, says
11 Chase.
12

13 **That last statement from the OPS article is simply not true: “Most of**
14 the finer silt and clay will likely stay suspended in the river all the way out to
15 the ocean but coarser material will fall out in the stretch of river below Iron
16 Gate.”

17 **Most of the finer silt and clay and coarser dirt will fall out at every**
18 **river bend where the river slows down.**

19 “One of the benefits of dam removal is going to be recovering and re-
20 establishing the more natural movement of sediment from upstream to
21 downstream,” he explains.
22

23 This should help build habitat for a suite of native creatures, including
24

1
2 salmon, which dig their nests in fine gravel, and lamprey, which spend the
3
4 first part of their lives burrowed into silt and sand. The sediment should also
5
6 help scour off the colonies of worms that host C. Shasta, a disease
7
8 organism that plagues Chinook salmon. In some years, over 90% of the
9
10 fish sampled below Iron Gate dam have been infected with C. Shasta and
11
12 likely died.”

13
14 **One marginal benefit pitted against the many draconian**
15
16 **consequences of dam removal. That's an ecotage transaction that**
17
18 **only a radical environmentalist would buy into, regardless of the**
19
20 **consequences to man or nature.**

21
22 “Meanwhile, Tullos and graduate student Christine Alfred have installed
23
24 dissolved oxygen sensors below the dams and will use these and existing
25
26 USGS gauges to track water quality following drawdown.”

27
28 **Great! That's like setting a house on fire and using a thermometer to**
29
30 **record how fast it's burning.**

31
32 **These same sensors would do far more good in the fish ladders after**
33
34 **the sediment is removed from behind the dams to detect any increase**
35
36 **in turbidity and the need for more dredging. Are they NIST certified**
37
38 **sensors? Typically, a thorough dredging operation would be good for**
39
40 **50 years or longer. When annualized, it's incredibly inexpensive.**

1
2 “The goal of that is to understand what is really driving that extraction of
3
4 oxygen from the river, which is important for fish, right?” says Tullos. “Fish
5
6 need oxygen.” Their work will piggyback on monitoring by USGS and the
7
8 Karuk and Yurok Tribes, which will be tracking how the sediment affects
9
10 water quality, fish, and the shape of the river itself.”

11
12 **It's not rocket science for any real scientist to realize that decaying**
13
14 **organic matter and accompanying turbidity will remove oxygen from**
15
16 **the water and kill the fish. Anyone with a home aquarium knows that**
17
18 **if the water gets cloudy the fish die.**

19
20 “The funny thing about this pond was, we really didn't have any design
21
22 standards at that point,” says Soto. “We were kind of like, OK, we're just
23
24 going to dig a hole and see what happens.” Coho, which can spend one,
25
26 two, or even three years in rivers and creeks before heading to sea, flocked
27
28 to the pond; even adult fish have returned there. Since that first experiment,
29
30 the Karuk Tribe and Mid Klamath Watershed Council have built 35 of these
31
32 ponds alongside several tributaries. The ponds stay cooler in summer and
33
34 warmer in winter, and fish grow fat fast — “coho greenhouses,” Soto calls
35
36 them.

37
38 **More eco-centric pseudoscience designed to tickle the ears of the**
39
40 **gullible. Let's just dig a hole and see what happens. That is reckless**

disregard for the human and environmental consequences. No hypothesis? No data collection. No peer reviewed science-based conclusions? Soto is fortunate that his non-hypothesis “experiment” did not end up a disaster.

"Any salmon or other fish remaining in the main stem of the Klamath River will know what to do should water quality plummet, says Soto. "I have a lot of faith that the fish that do stay [in the river], if water quality gets too bad, they'll move. There's plenty of tributaries around here where they can find refuge." His crew will turn to monitoring and reacting once drawdown begins on Jan. 11; if they find fish crowding around creek mouths, they will consider moving them to safety. But first, he'll take a moment to celebrate the milestone that's been decades in the making, and which now feels as inevitable as the flowing river itself.

“Any salmon or other fish remaining in the main stem of the Klamath River will know what to do should water quality plummet, says Soto. “As soon as they blow the plugs, I’ll be drinking a beer and going OK there’s no turning back now,” says Soto.”

How can Soto speak with such confidence? Is he a fish whisperer? It took many years to "train" fish to use fish ladders in the Columbia River system. Why, when the Green Peter lake level was lowered so

1
2 **dramatically, did fish die and simply come to the surface rather than**
3
4 **swim upstream toward cleaner water.**

5
6 **A fish swimming in turbid water is like a person walking through a**
7
8 **patch of fog. It's all too easy to get disoriented and start walking (or**
9
10 **swimming) in circles.**

11
12 **After reading this article, let us hope that OPB will stick with**
13
14 **entertainment from now on and leave the science to real scientists.**

15
16 **Conclusion**

17
18 **The statements by the alleged scientists in this article are not based**
19
20 **on anything resembling legitimate science. Oregon has carelessly**
21
22 **placed these life-altering decisions in the hands of amateur, wannabe**
23
24 **scientists.**

25
26 **True science starts with informed research. Nowhere in this article is**
27
28 **there any indication that these out-of-state interlopers actually talked**
29
30 **to dam operations personnel or downstream water users before**
31
32 **taking any action. Had they done so they could easily have avoided**
33
34 **the “chocolate milk” conditions in the Green Peter reservoir seen**
35
36 **below. If this is the result of their initial effort, let’s cut our losses and**
37
38 **take the only inexpensive, common-sense action that will actually**
39
40 **resolve the problem.**

1
2 **It will spare us years of grief when we finally wake up too late and**
3
4 **realize we squandered a priceless heritage bequeathed to us by our**
5
6 **ancestors. All the dams need is dredging on the upstream side to get**
7
8 **the fish ladders working again for at least another 50 years.**

9
10
11 **If we take them out and then after years of flooding, decide we want to**
12
13 **put them back in, it will take another 8-10 years and obviously far**
14
15 **more money. The fish have been using those ladders for most of a**
16
17 **century.**

18
19 **A tragic reminder that the “chocolate water” at the Green Peter**
20
21 **reservoir below will also become a daily reality at the Iron Gate dam**
22
23 **as well.**



1
2

3 The Oregon law for unlawful killing of wildlife under these conditions is

4

5 ORS 496.705, damage suits for unlawful killing of wildlife. In OPB Article
6 <https://www.opb.org/article/2024/02/18/klamath-reservoir-drawdown-water-quality-discussion/>

8

9 thousands of fish that inhabited the reservoirs have also died. These are
10 mostly non-native species, including yellow perch, crappie, and bass that
11 thrive in calmer, warmer water.

12

13 "It was always expected that these species would not persist," said Dave

23

1
2 Coffman, geoscientist for Resource Environmental Solutions, or RES,
3 during the press conference. Plaintiff has asked ODFW to have the state
4 police charge these people for this crime.
5
6 Moreover, "A lot of sediment mobilized and moved through the system,
7
8 exactly according to our plans and our projections," said Mark Bransom,
9
10 CEO of Klamath River Renewal Corporation, during a press conference on
11
12 Thursday morning. This refers to the Lower Klamath Project FERC Project
13
14 No. 14803 <https://klamathrenewal.org/wp-content/uploads/2021/12/EX-A-ARMP-Dec2021.pdf>.
15
16
17 Section 2, pages 2 and 3 list fish that will die. This is not a permit to kill
18
19 fish.
20
21 **Relief Sought**
22
23 **Prayer for relief.**
24
25 **1. Charge defendants with thousands of counts of killing over**
26
27 **2,000 fish and a herd of elk who sank to their necks in the mud. ORS**
28

1 **496.705 unlawful killing of wildlife. Also 16 USCA § 1532(19); see also**
2
3 **Goble, D. D.; George, S. M.; Mazaika, K.; Scott, J. M. & Karl, J. (1999)**
4
5 **“Local and national protection of endangered species: An**
6
7 **assessment”, Environmental Science & Policy, 2, pp. 43-59. Their**
8
9 **permit did not have an exemption from civil or criminal litigation.**

10
11 **2. RES benefited from the removal of the dams and is therefore**
12
13 **liable by 18 U.S. Code § 3 - Accessory after the fact. One of multiple**
14
15 **Oregon laws broken is ORS 496.705 accessory to the crime of**
16
17 **unlawful killing of wildlife owned by the public.**

18
19 **3. Pay dredging costs to Plaintiff for dredging behind IRON GATE**
20
21 **and the other dams affected by the silt behind them which cause the**
22
23 **fish ladders to stop working. This cost is estimated to be around \$30**
24
25 **million per dam.**

26
27 **4. Compensation for silt cleanup of the dams already removed**
28
29 **from the Klamath River and loss of county and state revenue for fish**
30
31 **and game licenses.**

32
33
34 **This injunction is to stop the removal of any more Klamath River**
35
36 **dams until such time as the federal litigation of this complaint is**
37
38 **adjudicated. Stop the remaining Klamath River Dams from being**
39
40 **removed.**

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5/3/2024

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